

THIRD TAXING DISTRICT

DECEMBER 15, 2003

REGULAR MEETING

ATTENDANCE: David Brown, Chairman; Stephen Feinstein; Paul Coggin

**STAFF: George Leary, General Manager TTD; Ron Scofield, Office
Manager/District Clerk; Attorney Larry Dennin; John Stoops,
Treasurer; Gabe Stern, CMEEC**

**OTHER: Peter Murphy, James P. Murphy & Associates; Janet Foss,
James P. Murphy & Associates; Barry Port, Public Utilities
Risk Management Association**

Mr. Brown called the meeting to order at 7:05 p.m.

PUBLIC COMMENT

There were no comments from the public.

APPROVAL OF MINUTES – NOVEMBER 17, 2003

The following corrections were made:

Page 3 under Proposal For Holiday Lighting Contest, add another sentence as follows: **“Mr. Feinstein opposed it on the basis of conservation of energy.”**

Page 2, bottom of page, motion should read: **“Mr. Coggin motioned so that approval for district funds would be moved, transferred or paid...”**

Page 4, bottom of page, change **“Council”** to **“General Counsel, Larry Dennin”**

Page 6, In reference to comment by Larry Dennin: **“There are some positions (inaudible)”** should be **“There are some positions such as the Chief of Police that have contracts that run for three years or greater.”**

**** MR. BROWN MADE A MOTION TO APPROVE THE MINUTES OF
NOVEMBER 17, 2003 AS AMENDED.**

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES – NOVEMBER 20, 2003

**** MR. FEINSTEIN MADE A MOTION TO APPROVE THE MINUTES OF
THE NOVEMBER 20, 2003 SPECIAL MEETING.**

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**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES – DECEMBER 2, 2003

The following corrections were made:

Under Other, change “**Bob Clark, Hour Reporter**” to “**Bob Koch.**”

**** MR. FEINSTEIN MADE A MOTION TO APPROVE THE MINUTES OF
THE DECEMBER 2, 2003 SPECIAL MEETING.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MADE A MOTION TO SUSPEND THE RULES TO HAVE**

THE RESULTS OF THE UNION MEETING ADDED AS ANOTHER ITEM TO THE AGENDA.

Mr. Leary stated that there were two other items that the Chairman might want to add to the agenda: 1) Norwalk Clean & Green and 2) Norwalk Fuel Assistance Agreement. Mr. Brown stated that he would move these items to the bottom of the agenda.

**** MR. BROWN MADE A MOTION TO SUSPEND THE RULES SO THAT THE COMMISSION COULD RATIFY UNION RESULTS.**

**** MR. COGGIN SECONDED THE MOTION TO ADD THE ITEM REGARDING THE RATIFICATION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Leary stated that there was a negotiation of Friday and a settlement was reached. A handwritten copy of the settlement agreement was passed out. Mr. Leary stated that the typewritten version is the same as the handwritten version. There was no typist at the meeting. Mr. Leary said there were two settlement agreements to be signed that day; one needed Commission approval and the other one was on Ray Mitchell's grievances. Mr. Mitchell had 5 grievances totaling \$1,718.00. Mr. Stoops suggested that the motion include that the amount is not to exceed \$1,800.00.

**** MR. FEINSTEIN MADE A MOTION TO RATIFY THE AGREEMENT BETWEEN THE THIRD TAXING DISTRICT AND RAY MITCHELL.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Leary stated that there were 6 grievances with regards to overtime pay. There was discussion regarding the Third Taxing District's consideration of Mr. Mitchell as lead lineman effective January 12,

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2004 in accordance with the settlement agreement. Further discussion ensued with regards to amendments to Section 5 of the agreement.

**** MR. COGGIN MADE A MOTION TO APPROVE THE TYPED VERSION**

OF THE AGREEMENT AS AMENDED – SECTION 5 WITH THE ASTERIK CORRECTIONS ON THE HANDWRITTEN COPY.

**** MOTION PASSED UNANIMOUSLY.**

Mr. Feinstein commented that he would appreciate it if the documents could be faxed sooner to the Commissioners because it is difficult to read documents such as the agreement at the meetings.

EMERGENCY GENERATION AT WASTEWATER TREATMENT PLANT

Mr. Stern gave an overview of the existing generation, which included transmission lines, proposed new lines and the deregulated market. The City of Norwalk presently has 2 units for a total 1.8 Mega Watts that backup the water treatment plan. Mr. Stern said these are old units in reasonable condition. Discussion ensued regarding upgrading the existing generation and suitable and unsuitable markets. Bids are due on January 7, 2004. Mr. Stern said that construction time would be a couple of months. Mr. Stern said that he was asked to put together an MOA term sheet. There was discussion regarding the bid process. Mr. Coggin suggested that a Confidentiality Clause be added to the agreement with the City of Norwalk.

Mr. Coggin suggested that the MOA agreement be approved in concept only at this point. Mr. Feinstein said that the agreement should be presented to the City as a draft. Mr. Coggin suggested adding: 1) the Mega Watts be increased to 5, and 2) proprietary and confidentiality language be added to the agreement.

**** MR. COGGIN MADE A MOTION THAT THE COMMISSION APPROVE**

THE MOA TO BE RELEASED TO THE CITY OF NORWALK AS A DRAFT WITH TWO ADDITIONAL CHANGES: 1) MEGA WATTS BE INCREASED TO 5, AND 2) A CLAUSE REGARDING PROPRIETORY AND CONFIDENTIAL INFORMATION BE ADDED TO THE AGREEMENT SUBJECT TO REVIEW BY THE COMMISSION.

**** MR. BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FEINSTEIN MADE A MOTION THAT IF EMCOR FAILS TO RESPOND BY FRIDAY, DECEMBER 19, 2003 TO THE COMMISSION'S REQUEST FOR A PROPOSAL THAT THE COMMISSION WAIVES ANY FURTHER BIDDING PROCESS AND PROCEED WITH AN ENGINEERING STUDY BY R.W. BECK CONTINGENT UPON A COMPLETED MEMORANDUM AGREEMENT BETWEEN THE THIRD TAXING DISTRICT AND THE CITY OF NORWALK. WORK AGAINST THE PROPOSAL IS CONTINGENT UPON THE AGREEMENT**

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**SIGNED BY THE THIRD TAXING DISTRICT AND THE CITY OF NORWALK.
(THE AMOUNT OF THE BID IS \$22,500).**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MADE A MOTION TO MOVE ITEM #8 ON THE AGENDA BEFORE ITEM #6.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

INSURANCE BIDS

Mr. Leary handed out a comparison of property casualty insurance to the Commissioners. He said there were four bidders. There were two good bids, Perma and James P. Murphy

& Associates. Perma's total bid is \$122,146 and James P. Murphy's total bid is \$130,740. James Murphy is the existing insurance carrier. The premium last year was \$117,548. Representatives from both insurance companies outlined the deductions/limits of their plans. Discussion ensued regarding policy coverage. Essentially, the two insurance companies have the same line of coverage. The major difference is that Perma's limits are higher. James Murphy's deductibles are lower. Perma offers coverage to all of its cooperative members and is an excess liability policy. James P. Murphy provides an umbrella policy, which is broader than an excess liability policy. It was the consensus of the Commission to hold a Special Meeting on Friday, December 19, 2003 at 4:00 p.m. at the District office to decide on finalizing insurance bids.

**** MR. FEINSTEIN MADE A MOTION THAT THE APPROVAL OF THE INSURANCE BIDS BE TABLED UNTIL THE SPECIAL MEETING ON FRIDAY, DECEMBER 19, 2003 AT 4:00 P.M.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MADE A MOTION THAT TWO ITEMS BE ADDED TO THE AGENDA: 1) CLEAN & GREEN, AND 2) FUEL ASSISTANCE FROM NEON.**

NORWALK CLEAN & GREEN

Mr. Leary stated that Norwalk Clean & Green was dislocated from the YMCA. Mr. Leary requested that the Commission allow Clean & Green to occupy space operated by the Third Taxing District. It was the consensus of the Commission that Mr. Leary find out from Clean & Green what the operating costs would be involved. It was suggested that a draft request regarding operating costs including the number of people that would be attending. Mr. Leary agreed to gather more information and submit it to

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the Commission.

**** MR. COGGIN MADE A MOTION TO TABLE THIS ITEM UNTIL THE**

COMMISSION RECEIVES ADDITIONAL INFORMATION.

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

RADIFICATION OF FUEL ADJUSTMENT CLAUSE

Mr. Leary referred the Commission to a form entitled Utility Vendor Conditions of Participation and stated that agreement needed approval by the Commission. He said this approval is done annually.

**** MR. COGGIN MADE A MOTION TO AUTHORIZE THE FORM ENTITLED UTILITY VENDOR CONDITIONS OF PARTICIPATION ON BEHALF OF THE THIRD TAXING DISTRICT.**

**** MR. BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FEINSTEIN MADE A MOTION TO ADOPT THE FUEL ADJUSTMENT CLAUSES PRESENTED EFFECTIVE JULY 1, 1985.**

**** MR. BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE OPPOSED, MR. COGGIN.**

MONTHLY OPERATING REPORTS

Mr. Leary submitted Cash Balance Reports.

**** MR. FEINSTEIN MADE A MOTION TO ACCEPT THE MONTHLY OPERATING REPORTS AS SUBMITTED.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

GENERAL MANAGER'S REPORT

Accepted as submitted. Mr. Leary stated that there would be a policy maker's workshop in Arizona February 1 through February 4, 2004.

**** MR. BROWN MADE A MOTION TO ACCEPT THE GENERAL
MANAGER'S REPORT AS PRESENTED.**

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**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

COMMUNICATIONS: 2004 MEETING SCHEDULE

2004 Regular Meeting Schedule submitted.

VANDERBILT LITIGATION UPDATE

To be discussed in Executive Session.

SECURITY SURVEY AND PLAN

To be discussed in Executive Session.

- ** MR. FEINSTEIN MADE A MOTION TO GO INTO EXECUTIVE
SESSION TO DISCUSS ITEM 6, VANDERBILT LITIGATION UPDATE
AND ITEM 10, SECURITY SURVEY AND PLAN.**
- ** MR. COGGIN SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

The regular meeting was adjourned at 9:31 p.m. to go into Executive Session.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services